

**RESOLUTION NO. 1984**

**A RESOLUTION OF THE CITY OF WILSONVILLE AUTHORIZING A QUITCLAIM DEED FOR A STORM SEWER UTILITY EASEMENT TO THE MICHAEL JAMES BERREY IRREVOCABLE TRUST AND THE ANDREW WAYNE BERREY IRREVOCABLE TRUST, ORIGINAL GRANTOR**

WHEREAS, A Storm Sewer Utility Easement was granted by the applicant John Seibert and Joseph P. Tennant, Co-Trustees of the Michael James Berrey Irrevocable Trust, u/t/a dated December 31, 1984, as to an undivided 50% interest and John Seibert and Joseph P. Tennant, Co-Trustees of the Andrew Wayne Berrey Irrevocable Trust, u/t/a dated December 31, 1984, as to an undivided 50% interest ("Owners") as shown on Partition Plat No. 1999-100, Recorded in Washington County. However, pursuant to a subsequent Stage II approval for the Canyon Creek Business Center Phase II 03DB36, the applicant-owners were able to remove and reconstruct the public storm system as a private storm system, eliminating the need for a public easement; and

WHEREAS, a properly noticed public hearing was conducted on the proposed disposition of the public easement, at which hearing the City received no testimony against such disposition; and

WHEREAS, the City Council finds that it is necessary, convenient and in the public interest to dispose of the easement by a Quitclaim Deed pursuant to ORS 271.300 and ORS 217.310.

NOW, THEREFORE, THE CITY OF WILSONVILLE RESOLVES AS FOLLOWS:

1. Based on the above recitals and findings, the City of Wilsonville approves the City's release, by Quitclaim Deed, of all its interest in the Storm Sewer Utility Easement described in Exhibit 1, attached hereto and incorporated herein;
2. The City Manager is authorized to sign this instrument on behalf of the City;
3. This resolution is effective upon adoption.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 3rd day of April, 2006, and filed with the Wilsonville City Recorder this date.

  
\_\_\_\_\_  
CHARLOTTE LEHAN, Mayor

ATTEST:

  
\_\_\_\_\_  
Sandra C. King, MMC, City Recorder

SUMMARY OF VOTES:

Mayor Lehan	<u>Yes</u>
Councilor Kirk	<u>Yes</u>
Councilor Holt	<u>Excused</u>
Councilor Knapp	<u>Yes</u>
Councilor Ripple	<u>Yes</u>

**QUITCLAIM DEED**

After recording, return to:  
CITY RECORDER  
CITY OF WILSONVILLE  
30000 SW Town Center Loop E.  
Wilsonville, OR 97070

Until further notice, send all tax  
statements to:  
NO CHANGE

KNOW ALL MEN BY THESE PRESENTS that **City of Wilsonville**, a duly chartered municipal corporation, hereinafter called Grantor, for the consideration hereinafter stated, does hereby remise, release and forever quitclaim unto John Seibert and Joseph P. Tennant, Co-Trustees of the Michael James Berrey Irrevocable Trust, u/t/a dated December 31, 1984, as to an undivided 50% interest and John Seibert and Joseph P. Tennant, Co-Trustees of the Andrew Wayne Berrey Irrevocable Trust, u/t/a dated December 31, 1984, as to an undivided 50% interest, as tenants in common, hereinafter called Grantee, and unto Grantee's heirs, successors and assigns, all of the Grantor's right, title and interest in that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or in any way appertaining, situated in Washington County, State of Oregon, and as described in:

- Exhibit A (Storm Drain Easement per Washington County Partition Plat 1999-100)
- Exhibit B (Locational map)

Each exhibit is attached hereto and incorporated by reference as if fully set forth herein.

This deed is in fulfillment and satisfaction of reversion of easement back to the Grantee, its successors or assigns as set forth in Partition Plat 1999-100, Washington County Records.

To Have and to Hold the same unto Grantee and Grantee's heirs, successors and assigns forever.

The true and actual consideration paid for this transfer, stated in terms of dollars, is None.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER CHAPTER 1, OREGON LAWS 2005 (BALLOT MEASURE 37 (2004)). THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK

WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER CHAPTER 1, OREGON LAWS 2005 (BALLOT MEASURE 37 (2004)).

IN WITNESS WHEREOF, the undersigned Grantor has executed this Quitclaim Deed this \_\_\_\_ day of \_\_\_\_\_, 2006.

**GRANTOR: CITY OF WILSONVILLE**

By \_\_\_\_\_

Title: City Manager

STATE OF OREGON )  
 ) ss  
County of Clackamas )

This instrument was acknowledged before me on \_\_\_\_\_, 2006, by Arlene Loble as City Manager of the City of Wilsonville.

\_\_\_\_\_  
Notary Public for Oregon  
My Commission Expires: \_\_\_\_\_

APPROVED AS TO FORM  
this 13 day of March, 2006.

Paul A. Lee /s/  
Paul A. Lee, Assistant City Attorney  
City of Wilsonville, Oregon

APPROVED AS TO LEGAL DESCRIPTION  
this 13<sup>th</sup> day of March, 2006.

[Signature]  
Michael A. Stone, P.E., City Engineer  
City of Wilsonville, Oregon



# WEDDLE SURVEYING

Excellence is our benchmark.

1750 SW Skyline Blvd. Suite 105  
Portland, Oregon 97221  
Phone : (503) 292-8083  
Fax : (503) 292-0938  
Email : weddle@integraonline.com

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
JULY 13, 2004  
ANTHONY B. RYAN  
58833

RENEWAL DATE DEC. 31, '06

January 13, 2006  
Job No. 3699SDE

## PUBLIC STORM DRAIN EASEMENT (TO BE VACATED) LEGAL DESCRIPTION:

### Exhibit "A"

A tract of land for storm drain easement purposes being a portion of Parcel 1 and Parcel 2, Partition Plat No. 1999-100, in the Southwest 1/4 of Section 1, Township 3 South, Range 1 West of the Willamette Meridian, in the City of Wilsonville, County of Washington and State of Oregon, being more particularly described as follows:

Beginning at a point on the North line of aforementioned Parcel 2, said point bears South  $77^{\circ}32'50''$  East, 240.04 feet from the Northwest corner thereof; thence North  $59^{\circ}51'21''$  West, 231.97 feet; thence North  $01^{\circ}25'19''$  East, 255.27 feet; thence North  $88^{\circ}57'53''$  West, 22.10 feet; thence North  $01^{\circ}23'58''$  East, 78.43 feet; thence North  $90^{\circ}00'00''$  East, 323.71 feet; thence South  $01^{\circ}12'34''$  West, 84.27 feet; thence North  $88^{\circ}57'53''$  West, 37.03 feet; thence South  $50^{\circ}42'12''$  East, 235.47 feet; thence South  $09^{\circ}24'10''$  West, 356.58 feet; thence South  $54^{\circ}27'53''$  East, 5.49 feet to a point on the East line of said Parcel 2, said point being on the arc of a non-tangent 569.00 foot radius curve to the right, a radial line bears South  $55^{\circ}52'27''$  East to said point; thence Southwesterly along the arc of said curve 15.00 feet through a central angle of  $01^{\circ}30'38''$  (the long chord bears South  $34^{\circ}52'57''$  West, 15.00 feet); thence North  $54^{\circ}27'53''$  West, 15.01 feet; thence North  $09^{\circ}24'10''$  East, 357.25 feet; thence North  $50^{\circ}42'12''$  West, 245.81 feet; thence North  $88^{\circ}57'53''$  West, 225.54 feet; thence South  $01^{\circ}25'19''$  West, 246.49 feet; thence South  $59^{\circ}51'21''$  East, 270.11 feet to the North line of said Parcel 2; thence along said North line North  $77^{\circ}32'50''$  West, 49.36 feet to the point of beginning.

The bearings for this description are based on Partition Plat No. 1999-100, Washington County Plat Records.



SCALE: 1" = 100'  
DATE: 01-13-06

# Exhibit "B"

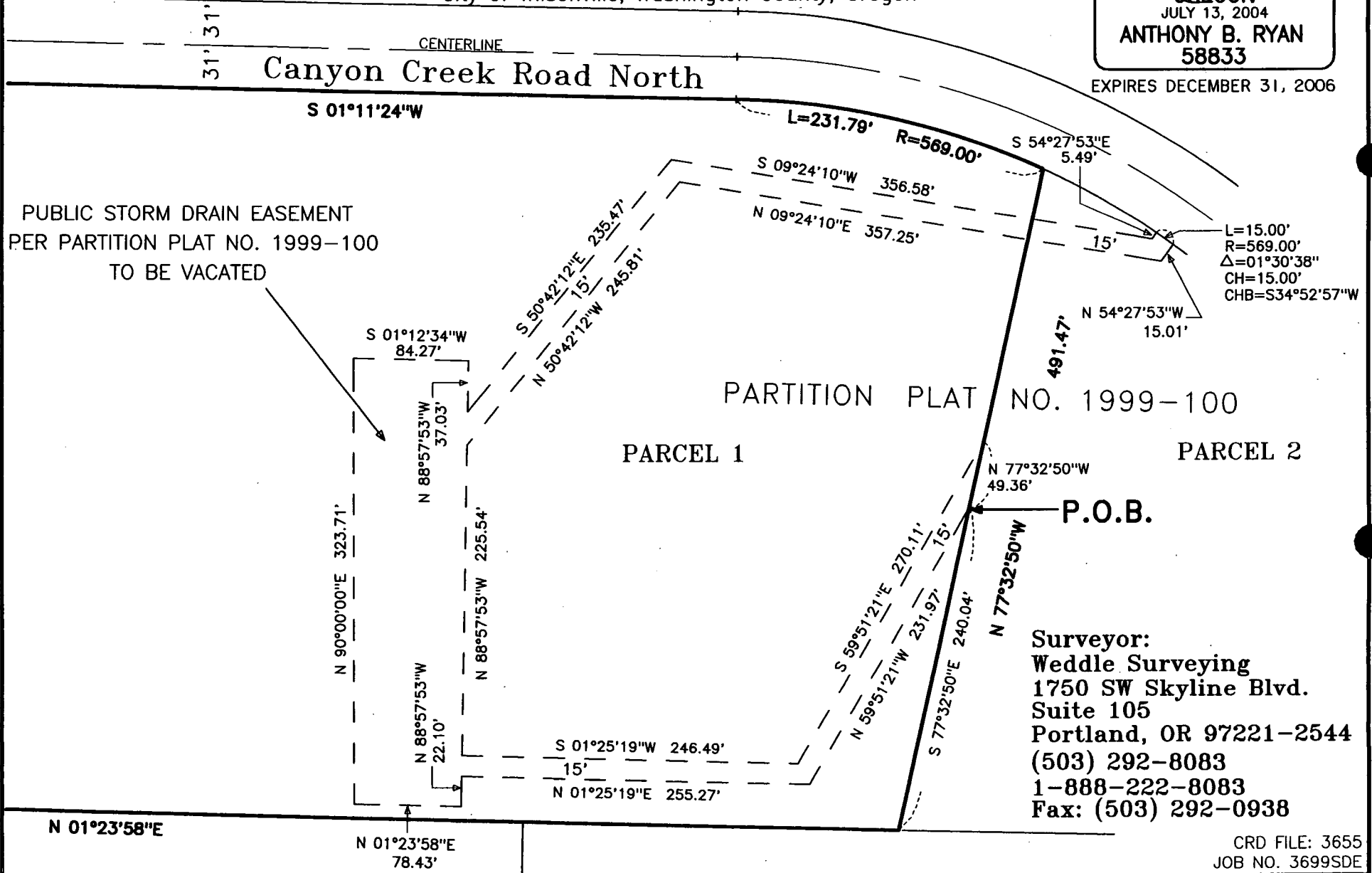
## PUBLIC STORM DRAIN EASEMENT (TO BE VACATED)

PARCEL 1 AND 2, PARTITION PLAT NO. 1999-100  
SW 1/4 SEC. 1, T.3S., R.1W., W.M.  
City of Wilsonville, Washington County, Oregon

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
JULY 13, 2004  
ANTHONY B. RYAN  
58833

EXPIRES DECEMBER 31, 2006



MEMORANDUM

TO: Honorable Mayor and City Council

FROM: Dee M. Staten, Senior Engineering Technician

DATE: April 3, 2006

SUBJECT: Quitclaim of Easement – Canyon Creek Business Center Phase II

The project site known as Canyon Creek Business Center Phase II, owned by John Seibert and Joseph P. Tennant, Co-Trustees of the Michael James Berrey and the Andrew Wayne Berrey Irrevocable Trust, removed the existing public storm system. As required by the approved conditions of approval, a private storm system was reconstructed in place of the public storm system. Therefore, a public storm drain easement is no longer needed. The private storm system now in place will be maintained by the existing property owner.

A public hearing is being conducted to allow opportunity for public comment in favor or against this resolution. With no opposition staff recommends the approval of this resolution.

Upon adoption of this Resolution, the condition of approval under the Stage II approval for the Canyon Creek Business Center Phase II, 03DB36, will be considered completed and satisfied.